

## REMARKS

Please cancel Claims 2, 4-6, 9, 11 and 14-20 without prejudice. New Claims 21-25 are added herein. Claims 1, 3, 7-8, 10, 12-13 and 21-25 are pending. Claims 1, 3, 10 and 12-13 are amended herein. Support for the claim amendments can be found at least in Figures 2A, 2B and 2C of the instant application.

### Restriction Requirement

The instant Office Action states that the present Application contains two distinct inventions related as a process of making and a product made. The Examiner is requiring the Applicants to elect between Group I, recited in Claims 1-14 (as filed), drawn to semiconductor devices, classified in Class 257, subclass 315, and Group II, recited in Claims 15-20 (as filed), drawn to processes of making semiconductor devices, classified in Class 438, subclass 257. Applicants elect without traverse Group I, recited in Claims 1-14.

### 102 Rejections

#### Claims 1, 7, 10 and 13

The instant Office Action states that Claims 1, 7, 10 and 13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Sandhu et al. (“Sandhu;” U.S. Patent No. 6,750,502). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1, 7, 10 and 13 is not anticipated nor rendered obvious by Sandhu.

Applicants respectfully submit that Sandhu does not show or suggest the particular memory cell structure recited in independent Claims 1 and 10.

Therefore, Applicants respectfully submit that independent Claims 1 and 10 are in condition for allowance. As such, Applicants also respectfully submit that Sandhu does not show or suggest the additional claimed features of the present invention as recited in Claims 7 and 13 dependent on either Claim 1 or 10, and that Claims 7 and 13 are also in condition for allowance as being dependent on allowable base claims. As such, the Applicants respectfully assert that the basis for rejecting Claims 1, 7, 10 and 13 under 35 U.S.C. § 102(e) is traversed.

**Claims 1, 3, 7-8, 10 and 12-13**

The instant Office Action states that Claims 1, 3, 7-8, 10 and 12-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Park et al. (“Park;” U.S. Patent No. 6,803,275). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claims 1, 3, 7-8, 10 and 12-13 is not anticipated nor rendered obvious by Park.

Applicants respectfully submit that Park does not show or suggest the particular memory cell structure recited in independent Claims 1 and 10. Therefore, Applicants respectfully submit that independent Claims 1 and 10 are in condition for allowance. As such, Applicants also respectfully submit that Park does not show or suggest the additional claimed features of the present invention as recited in Claims 3, 7-8 and 12-13 dependent on either Claim 1 or 10, and that Claims 3, 7-8 and 12-13 are also in condition for allowance as being dependent on allowable base claims. As such, the Applicants respectfully assert that the basis for rejecting Claims 1, 3, 7-8, 10 and 12-13 under 35 U.S.C. § 102(e) is traversed.

Claim 1

The instant Office Action states that Claim 1 is rejected under 35 U.S.C. § 102(e) as being anticipated by Bhattacharyya et al. (U.S. Patent No. 6,713,810). The Applicants have reviewed the cited reference and respectfully submit that the present invention as recited in Claim 1 is not anticipated nor rendered obvious by Bhattacharyya.

Applicants respectfully submit that Bhattacharyya does not show or suggest the particular memory cell structure recited in independent Claim 1. Therefore, Applicants respectfully submit that independent Claim 1 is in condition for allowance, and that the basis for rejecting Claim 1 under 35 U.S.C. § 102(e) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

Based on the arguments presented above, Applicants respectfully assert that Claims 1, 3, 7-8, 10 and 12-13, as well as new Claims 21-25, overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

Applicants have reviewed the reference cited but not relied upon. Applicants did not find this reference to show or suggest the present claimed invention: U.S. Patent No. 6,143,606.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

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Respectfully submitted,  
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